

**Introduced by Senator Vasconcellos**

February 27, 1997

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An act to repeal and add Section 1599.61 of the Health and Safety Code, relating to long-term health care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1061, as introduced, Vasconcellos. Long-term health care facilities.

Existing law requires that every contract of admission, as defined, of a long-term health facility comply with a prescribed form and contain certain information, terms, and conditions for admission of a patient to the facility. Existing law prescribes various prohibitions with regard to the content of the contract. Existing law requires the facility, as directed by the department, to submit a copy of its current contract of admission for review by the State Department of Health Services and to submit amendments as they occur.

This bill would repeal the latter provisions that require the submission of a contract of admission to the department for review. The bill would require instead every long-term health care facility to use a standard admission agreement adopted by the department. The bill would prohibit a long-term health care facility from altering the standard agreement, unless directed by the department.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares  
2 all of the following:

3 (1) Many admission agreements of long-term health  
4 care facilities in California are unnecessarily long,  
5 complicated, and incomprehensible to consumers and  
6 their families and representatives.

7 (2) Many admission agreements used by long-term  
8 health care facilities in California do not meet the  
9 standards required under state and federal laws and  
10 violate the rights of residents.

11 (3) There is no uniformity among the over 1,400  
12 nursing home admission agreements in California and the  
13 resultant task of reviewing admission agreements for  
14 compliance with state and federal laws costs the state  
15 approximately nine hundred thousand dollars (\$900,000)  
16 annually.

17 (4) A uniform, statutory nursing home admission  
18 agreement would provide consistency among admission  
19 agreements, promote and protect residents' rights, and  
20 conserve state resources and funds.

21 (b) It is the intent of the Legislature to mandate a  
22 standard admission agreement for all long-term health  
23 care facilities in California.

24 SEC. 2. Section 1599.61 of the Health and Safety Code  
25 is repealed.

26 ~~1599.61. (a) As directed by the department, all~~  
27 ~~long-term health care facilities shall submit a copy of their~~  
28 ~~current contract of admission to the department as notice~~  
29 ~~of the content of the contract. As amendments occur and~~  
30 ~~when a contract of admission has been given to the~~  
31 ~~department, facilities shall immediately submit all~~  
32 ~~amended versions of their contract to the department.~~  
33 ~~Review by a receipt of a copy of a facility's contract by the~~  
34 ~~department does not constitute approval of the contract~~  
35 ~~by the state nor shall any facility make any representation~~  
36 ~~to that effect to anyone.~~

1 ~~(b) The department shall review a copy of the current~~  
2 ~~admissions contract as part of its regular survey of~~  
3 ~~facilities.~~

4 SEC. 3. Section 1599.61 is added to the Health and  
5 Safety Code, to read:

6 1599.61. (a) Every long-term health care facility shall  
7 use a standard admission agreement adopted by the  
8 department.

9 (b) No long-term health care facility shall alter the  
10 standard agreement, unless directed by the department.

